

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:) MDL NO.: 2012-2323
)
NATIONAL FOOTBALL LEAGUE)
PLAYERS' CONCUSSION INJURY)
LITIGATION)
)
) February 12, 2020
) Philadelphia, PA

TRANSCRIPT OF PROCEEDING
BEFORE THE HONORABLE ANITA B. BRODY
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by electronic sound recording, transcript
produced by transcription service.

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1 (The following was heard in open court at 10:06 a.m.)

2 THE COURT: ... National Football League Players'
3 Concussion Injury Litigation, MDL 2012-2323. And I recognize
4 the presence of Mr. Seeger, Scott George, Mr. Buchanan, and
5 Mr. Rosenberg here. Okay. And Bruce Birenboim.

6 MR. BIRENBOIM: Good morning, Your Honor.

7 THE COURT: Lynn Bayard, welcome back.

8 MS. BAYARD: Good morning, Your Honor. Thank you.

9 THE COURT: And Douglas Burns --

10 MR. BURNS: Good morning.

11 THE COURT: -- for the NFL. Okay. It's your show.

12 MR. SEEGER: Good morning, Your Honor. We have a
13 relatively short Powerpoint and I'm also handing out if it's
14 okay --

15 THE COURT: Okay. Good.

16 MR. SEEGER: -- if it's okay, hard copies.

17 THE COURT: Thank you.

18 MR. SEEGER: So, Judge, we are here this morning
19 seeking the Court's approval of some educational programs
20 that --

21 THE COURT: I'm going to interrupt you --

22 MR. SEEGER: Yes.

23 THE COURT: -- because I see that Jo-Ann Varrier is
24 here, my Special Master. Okay. Thank you for your presence.
25 Okay. Go on.

1 MR. SEEGER: So, Your Honor, we're here this morning
2 seeking the Court's approval of educational fund programs.
3 Just as a brief overview, and as most people -- nobody knows
4 the settlement agreement better than Your Honor by now, but
5 there's a \$10 million reserve set aside for these programs.
6 We'd be seeking the expenditure if you approve all of the
7 programs as we've presented them of up to \$5.3 million.

8 One-and-a-half million of that would be held in
9 reserve for future grants. I'm going to go into that a little
10 bit, but just to give you an idea of what we're asking. And I
11 will begin clicking through my Powerpoint.

12 So just as a reminder we have three aspects of the
13 settlement agreement, the Monetary Award Fund and I'm going to
14 give you a quick update in a minute on what's been expended
15 from that. The Baseline Assessment Program and the
16 Educational Fund, which is why we're here today.

17 From the monetary award fund, Your Honor, just for
18 your information and anybody interest they have been -- we
19 have had 2,974 claims packages submitted. Payable monetary
20 awards is now up to 1,079, and the amount of money approved,
21 some of that number is subject to appeals, the 30-day appeals,
22 is close to \$750 million, 743,556,000 to be exact.

23 I wanted to give you -- I don't have a slide on it
24 but just to give you an idea on the Baseline Assessment
25 Program, that is also going very well. To date I think over

1 12,000 tests have been administered to over 6,000 players, so
2 there's two levels of testing that goes on, so things are
3 moving well to date, Your Honor, on that. If you have any
4 questions at all, we're here. As you can see, I've got my
5 entire time. We've got four people from Seeger Weiss because
6 all of us have worked on this Education Fund. I think some
7 people think of it as the smaller piece of the settlement, and
8 it is in terms of dollars, but it can have a very big impact
9 based on these programs we're asking you to approve.

10 So I want to -- well, this -- these are the
11 provisions, Your Honor, in the agreement that authorize what
12 we're doing. They're in the motion, I'm not going to spend a
13 lot of time, but the Educational Fund Programs needed to be
14 tied to the safety and injury prevention with respect to the
15 football players. We feel very good that the programs that
16 we're proposing do that.

17 The first one I'm going to talk about is the Korey
18 Stringer Institute. The project that is being called the
19 Innovate Project is the project that specifically relates to
20 the NFL Concussion Settlement, so that is our aspect of what
21 the Korey Stringer Institute is doing.

22 We have Dr. Casa here, he's going to come up and say
23 a few words.

24 THE COURT: That's what I wanted -- you do have
25 representatives?

1 MR. SEEGER: Yes.

2 THE COURT: Okay.

3 MR. SEEGER: And we have Mr. Richard Buchsbaum from
4 Columbia who is also here who is going to talk to you in a
5 little bit after I go through some of these things. He will
6 deal with the medical information research database.

7 And then the third aspect of what we're seeking
8 approval on is a notice to all the players informing them of
9 benefits they -- some may or even may not be aware of. One
10 simple fact would be that they can get benefits in the
11 settlement program as well as under their benefit programs
12 provided through the Collective Bargaining Agreements. That's
13 very important, it's not -- they don't have to pick.

14 All right. So the Korey Stringer Institute we're
15 going to talk about first was founded in 2010, and it's
16 dedicated to the legacy of Korey Stringer who was a Minnesota
17 Viking who died as a result of heat stroke. They are
18 recognized experts in the field of sports health and safety,
19 and they have a lot of experience managing these types of
20 safety related programs. I mentioned Dr. Casa who will come
21 up in a little bit and talk but I'm going to first go through
22 some more of the details.

23 What we plan on doing, Your Honor, is to provide
24 funding to ten to 14 school districts. That's not all be done
25 day one, there's going to be a ramp up over three years. Four

1 or so school districts year one, four or so year two. But it
2 would deal with about 50 high schools, serving 60 to 100,000
3 students currently that don't have athletic trainers.

4 Why this is important, I'd like to mention this
5 right now is, the Korey Stringer Institute did a study, in
6 fact, of sports related deaths in high school students and
7 found that in almost all of the instances where there was a
8 death there was no athletic trainer there to assist, either in
9 teaching about how to avoid these problems or even to be on
10 the sideline to assist them if a problem occurred. So this,
11 we believe, is a very important project. So the athletic
12 trainers would do more than obviously just be involved in
13 sports, they're going to provide education on concussions to
14 high school students and how to avoid them. And this
15 obviously aligns very nicely, we believe, with the mission
16 that was set forth in the settlement agreement and agreed to
17 by the parties.

18 So there are three features that I want to talk
19 about. One aspect of this, the first one which is really
20 important is we are requiring for high schools to get involve
21 that they need to make -- develop relationships with medical
22 partnerships, doctors in the areas, neurological groups so
23 that once our funding expires these other groups and sponsors
24 can continue to fund it and it would become self-sustaining at
25 some point.

1 We also have built into point number two, the
2 settlement class member ambassadors, we're creating a
3 committee that will oversee the work that's going to be done
4 by the institute that will include at least one retired
5 player.

6 In each of the school districts though they will
7 recruit a retired player to assist them in reaching out to the
8 community to raise the funding. And there's an effort that we
9 will collaborate with the NFL to assist them in any way that
10 we can in helping them find retired players to do this, and
11 then athletic training education which is very important.

12 To talk to you a little bit about the funding we --
13 if you assume an average funding of 180,000 per district and
14 there are 12 districts, it will be about 2.6 million, KSI gets
15 paid a fee for assisting and managing all of this that's going
16 into it. They have very graciously reduced the amount that
17 they would otherwise charge to be involved in our program and
18 we've negotiated a fee for them over five years of 550,000.
19 And then the University of Connecticut where KSI is really
20 housed and it resides would be paid 271,000 for their
21 assistance.

22 If you're okay, before I go onto the medical
23 information research data base can I introduce Dr. Casa to the
24 Court, he'll say a few words to you about his background and
25 the Korey Stringer Institute.

1 THE COURT: That would be fine. Do you want him
2 sworn in? Should we have him sit at the --

3 MR. SEEGER: What ever is more comfortable for Your
4 Honor and Dr. Casa.

5 THE COURT: Would you have a -- Bruce, do you have a
6 -- do you care?

7 MR. BIRENBOIM: No, I don't, Your Honor.

8 THE COURT: Okay. All right. Why don't you step
9 forward.

10 MR. BIRENBOIM: Happy to listen.

11 THE COURT: Yeah, you can act like you're a witness.

12 DR. CASA: Thank you, Your Honor.

13 THE COURT: Because you are, I mean, you know. All
14 right. Would you swear him in, Jim?

15 COURTROOM DEPUTY: Please raise your right hand,
16 sir. Excuse my back a moment.

17 DOUGLAS CASA, Ph.D., WITNESS, SWORN

18 MR. SEEGER: So, Dr. Casa, if you could just, you
19 know, spend a few minutes introducing yourself to the Court
20 and talk to them about the Korey Stringer Project, your
21 involvement and what role you'll play.

22 MR. CASA: Sure. So just a tiny bit of a back
23 story, back in 1985 when I was a high school athlete I
24 suffered an exertional heat stroke myself running a 10K race
25 on the track in Upstate New York. I was 16 at the time,

1 barely survived, had amazing athletic trainers who saved my
2 life that day and for the last 35 years I've been very focused
3 on singular issues of trying to enhance health and safety for
4 athletes and war fighters. So that was '85.

5 And then I went through schooling and did my Ph.D.,
6 and started at Yukon in 1999, and as all of you know Korey
7 Stringer passed away in 2001 from his exertional heath stroke,
8 and because that was my expertise, thermo-physiology exercise
9 in the heat, I developed a relationship with his widow, his
10 agent, and eventually with the NFL when all of those parties
11 came to me and asked if we host the lasting legacy for Korey,
12 so that was in 2009 and then we opened our doors in 2010.

13 We're about to celebrate our ten-year anniversary
14 and in that time we've grown to 80 people. We have 20 staff
15 and 60 volunteers, and we have some massive initiatives, I'll
16 mention just a couple of them.

17 One of them we just finished a \$2 million fund
18 raising campaign to visit all 50 states to enhance health and
19 safety standards for high school sport because there's no
20 national governing body that regulates policy. So we're
21 having individual policy meetings in every single state and
22 we've done 13 of those so far to a huge success.

23 So in the next four years we'll be doing the rest of
24 them, and there's a nice connectivity with that with this
25 project as well with our understanding of what's happening out

1 there.

2 Second, we oversee something called the ATLAS
3 Project which is Athletic Training, Location and Services, the
4 acronym is ATLAS, and we currently keep tabs on all 21,000
5 high schools in America to see if they have athletic training
6 services, and we actually contacted every single high school,
7 not a subset of them, and now we are in touch with all of them
8 so we have constant tabs on who has athletic training services
9 so that's also going to help us, I think, because we know the
10 under served areas.

11 That study -- that project also told us that people
12 in lower socioeconomic situations are ten times less likely to
13 have an athletic training than those in higher socioeconomic
14 settings. So very unfortunate that the quality of health care
15 for a high school athlete is dictated by the socioeconomic
16 status of where they live.

17 So our mean focus of this project is to get into
18 schools and districts that have never had athletic training
19 services in the past, and that's overwhelmingly going to be in
20 places that are of low socioeconomic status.

21 And I've also had learnings from the past, because
22 we had a similar project in the past where we went to four
23 states to try to get athletic trainers into places where they
24 haven't been, and we had some learnings from that. One, is we
25 didn't have enough money for each high school, it was still

1 successful, but there's more money per school for this one.
2 We also wanted to have the connection with NFL players who
3 played from that district, who came from that district who
4 people know them well in that area and they could help us
5 advocate with that local hospital medical system because my
6 whole goal is long term sustain-ability because if we just
7 have athletic trainers for a few years, I really didn't
8 succeed. My goal is ten or 15 years from now these schools
9 still have athletic training services because we changed the
10 landscape of how they think about athletic health care.

11 So those are just an example of a few of the
12 projects. We have another whole physiology medical wing, I
13 have five active department of defense grants right now where
14 we're in the lab helping, you know, war fighters be better
15 prepared for, you know, challenging circumstances. But this
16 public health side of what we do at KSI is the target of the
17 four different projects I mentioned and the one we're here
18 today for.

19 THE COURT: Okay.

20 MR. SEEGER: Is that helpful, Your Honor?

21 THE COURT: All right. Are there any questions that
22 you would like to ask?

23 MR. BIRERNBOIM: No, Your Honor. Very helpful.

24 THE COURT: Okay. Thank you very much.

25 DR. CASA: Okay. Thank you.

1 MR. SEEGER: Thank you, Dr. Casa.

2 (Witness exits podium)

3 MR. SEEGER: So, Judge, now I'm going to move on to
4 the medical information and research data base which is also a
5 critically important program that we'd like Your Honor to
6 approve.

7 So we believed when we were negotiating the
8 settlement that through the Baseline Assessment Program that
9 there would -- and the testing that was state of the art and
10 consistent throughout in terms of, you know, the protocols,
11 that we'd get a lot of information about brain injury, why
12 some people get it, maybe -- you know, all kinds of questions
13 that we'd answer. We wanted to make that information
14 available to the medical community, so we started speaking
15 with Mr. Buchsbaum at Columbia and folks at Columbia and put
16 together what we think is going to be -- I don't want to -- I
17 don't think you can overstate this, a very important research
18 tool for people in this field. So --

19 THE COURT: It's part of the BAP program.

20 MR. SEEGER: Yeah, from the BAP program, correct.
21 So it creates a significant and unique opportunity for future
22 medical research that -- and we've asked, if you remember,
23 from the settlement agreement, we asked players if they would
24 consent to have their information used, and in connection with
25 they signed, you know, their HIPPA consents that we need.

1 To date I think we have roughly two-thirds or more
2 of the retired players have agreed to do that, so it's a
3 significant number, you know, thousands already.

4 THE COURT: Are they the two-thirds of the ones who
5 have joined the BAP program --

6 MR. SEEGER: Yes.

7 THE COURT: Not two-thirds of all the retired
8 players?

9 MR. SEEGER: I believe it's two-thirds of all who
10 registered for the BAP program --

11 THE COURT: Yeah, okay.

12 MR. SEEGER: -- Your Honor, correct.

13 So the idea, the general idea was to create one
14 place where all the data could be housed in a database and
15 made available research folks. Now, that data needs to be --
16 it's just as simple as loading it into an Excel spreadsheet,
17 obviously, it needs to be loaded in a way that makes some
18 sense, where it can -- where the information can be accessed.

19 So rather than me do this, I would like to at this
20 point introduce Mr. Richard Buchsbaum from Columbia and he
21 could tell you a little bit about what their plans and how
22 they're setting this up.

23 THE COURT: Okay. Why don't you --

24 MR. BUCHSBAUM: Where do I get to go?

25 MR. SEEGER: You go up there --

1 MR. BUCHSBAUM: Okay.

2 THE COURT: You can be a witness too.

3 MR. SEEGER: The guest of honor.

4 MR. BUCHSBAUM: Okay.

5 THE COURT: That's the way, that's the way it
6 usually works in the courtroom.

7 MR. BUCHSBAUM: First time.

8 THE COURT: Okay.

9 MR. BUCHSBAUM: Excuse me.

10 COURTROOM DEPUTY: Would you raise your right hand.

11 RICHARD BUCHSBAUM, WITNESS, SWORN

12 COURTROOM DEPUTY: Thank you. Please be seated.

13 MR. SEEGER: So, Mr. Buchsbaum, just like Dr. Casa,
14 if you could tell us just a little bit about your background,
15 what you do at Columbia and what our goals are.

16 MR. BUCHSBAUM: Sure.

17 THE COURT: Are you at the medical school, is that
18 right?

19 MR. BUCHSBAUM: I'm with technically with the
20 Mailman School of Public Health --

21 THE COURT: Okay. Thank you.

22 MR. BUCHSBAUM: -- but, yeah, and the Medical Center
23 Campus.

24 THE COURT: Yes, I'm familiar with it. Yes.

25 MR. BUCHSBAUM: So, yeah, I've been there since

1 1999, right. I had been in the commercial world doing
2 database programming, database application and then came to
3 Columbia University to do a large clinical trial. And then
4 from there took the infrastructure and expanded to the --
5 unlike ATLAS we don't have a great acronym, the unglamourosly
6 named Data Management Unit, Biostatistics Department at the
7 School of Public Health, and we serve as a sort of generic
8 almost data management team within the medical center for
9 people who -- for researchers of all different kinds. We also
10 do administrative applications and things like that.

11 But over the past 20 years we've done several more
12 or less public resources of this type. One of the first ones
13 we did was the -- for the National Institute of Environmental
14 Health after 911 had collected a lot of articulate matter data
15 in the New York City area, and that was obviously very
16 important for environment research after 911, and so we housed
17 the data for that and made that available to the academic
18 community.

19 We've done similar projects for epilepsy, for -- we
20 have a International Registry of Family that Risk Breast
21 Cancer, et cetera, et cetera. So there are sort of standard
22 protocols for not only the acquisition of data of these type,
23 but then of the provision of these data to researchers and
24 collaborators.

25 And so when we were approached by the parties here

1 to create a research database we felt we were well positioned
2 to do that.

3 I'll just go briefly through the process as we
4 envisioned it, feel free to ask questions or whatever. We
5 -- there's, I mean, essentially three steps. The data
6 currently are recorded in a bunch of medical records generally
7 presented as redacted PDFs. While the examinations have been
8 standardized, the review that I made of a sample of the actual
9 report show that they're actually quite heterogeneous. So
10 they report the same results, not always in the same way, not
11 always in the same place, not always in the level of detail,
12 and not always with the same level of sort of ancillary or
13 amplifying information.

14 So the first step would be to actually create a sort
15 of standard, and so we would have -- we would avail ourselves
16 as the expertise of the medical center, neurologist,
17 physiologist, neuro-psychologist, et cetera, as appropriate.

18 MR. SEEGER: These are folks you work together with
19 in --

20 MR. BUCHSBAUM: Yeah, that we generally work
21 together. We have a whole series of colleagues who I think
22 would be interested in this in order to sort of review a
23 randomized sampling of the reports as existed, sort of create
24 a universe of what data are there, how they're represented.
25 And as part of that we would create a protocol for extracting

1 that data.

2 Then we hire staff, train them, we probably perform
3 something called a Nader/Rader reliability study to make sure
4 that it was dependant on who reviewed with form as to how the
5 data came out, and once we were assured that we had a sort of
6 good reliable unbiased way of extracting the data, created a
7 database, have the staff extract them and put them in a
8 secured database on our systems.

9 MR. SEEGER: And the idea would be that that
10 database could be accessed once we go through whatever
11 protocols by researchers?

12 MR. BUCHSBAUM: Not directly.

13 MR. SEEGER: Okay.

14 MR. BUCHSBAUM: Generally such a thing could be
15 possible but the way it generally works is that there would be
16 sort of two-levels of access. First of all you have to sort
17 of hang your shingle out and advertise, let people know what's
18 available in this resource and for that we would create a
19 public website as well as probably publish, you know, an
20 academic journal, a description of the data that are there.

21 And the academic website would have aggregate data
22 and allow people to do sort of data mining in a way that would
23 reveal no individual level data and would just sort of allow
24 people to understand the parameters of which data were
25 available, in what quantities and that sort of thing.

1 Then as researchers were interested in accessing the
2 data rather than giving them direct access, the standard
3 procedures to have a gatekeeper or sorts. We establish a
4 data-use committee with stake holders to be determined on the
5 committee so that -- which would then vet proposals for the
6 use of the data. Someone would have to say not only what use
7 they intended to put the data to, but how they would maintain
8 them and what confidentiality might be at risk, et cetera, et
9 cetera.

10 And then for people who were approved by the
11 data-use committee, custom data sets meeting their needs would
12 be generated by my team and distributed to them under a
13 secured protocol.

14 MR. SEEGER: And, Mr. Buchsbaum, if I could just
15 intervene for one second --

16 MR. BUCHSBAUM: Please.

17 MR. SEEGER: -- just since we're talking about the
18 data-use and research committee, for the Court's information
19 that would be a committee comprised of people Mr. Buchsbaum
20 was talking about as well as retired NFL players and class
21 counsel who would be continued to oversee all of these
22 problems while they're in existence.

23 THE COURT: Okay. All right. Thank you. Any
24 questions?

25 MR. BIRENBOIM: No questions, Your Honor.

1 THE COURT: Okay. Thank you. All right. You may
2 step down.

3 MR. BUCHSBAUM: Thank you.

4 (Witness exists podium)

5 MR. SEEGER: Thank you, Mr. Buchsbaum. Let me just
6 go to the cost of this. This is all in the motion, Your
7 Honor --

8 THE COURT: Yes.

9 MR. SEEGER: -- but since we're in open court, so
10 this is what we anticipate the program costing. In year one,
11 230 - 240,000, which will pay for the technical services and
12 professional services. And in years -- so that's the big --
13 that's going to be a big investment to get it up and running.

14 Years two through five, we anticipate a budget of
15 about 590 to 610,000, and below that is the breakdown. Again,
16 technical services, professional services, data-use and
17 research committee. So a total investment in this really
18 worthwhile program that will provide a tremendous amount of
19 data and information to researchers is under a million dollar,
20 820 to \$850,000.

21 THE COURT: Okay. All right. Any questions about
22 that?

23 MR. BIRENBOIM: No questions, Your Honor.

24 THE COURT: Okay. Thank you.

25 MR. SEEGER: One other aspect of this is that is

1 very important is the committee that we were just discussing
2 that would consist of medical professionals, class counsel
3 would have input from the NFL and retired NFL players. We are
4 asking the Court to hold back and put in reserve \$1.5 million
5 so that that committee entertain applications for grants as to
6 how this information might again advance the knowledge of the
7 medical community about mild traumatic brain injury,
8 concussions, sub-concussive hits and things like that.

9 THE COURT: Perhaps, I think it would come out very
10 -- I think we would be pleased by the results. If there's any
11 other data that should be collected in the future so that it
12 could be put to whatever use it needed to be put to.

13 MR. SEEGER: Exactly, Your Honor, and that's the
14 kind of thing that this committee would be looking at
15 constantly, and reporting to the Court.

16 THE COURT: Okay.

17 MR. SEEGER: Even though the -- and again just to be
18 really clear for people listening, even though we would be
19 asking Your Honor to set aside 1.5 million, it's not like we
20 can go spend it. We'd have to come back to you and tell you
21 how we'd like to spend it.

22 THE COURT: Yeah, that's right.

23 MR. SEEGER: Yes. I just wanted everyone to know.

24 THE COURT: You've got it right.
25

1 MR. SEEGER: Yeah, the Judge is in charge. Let's
2 make that clear.

3 Finally, Your Honor, also in the settlement
4 agreement as you know we've made it -- we tried to make it
5 very clear to players that they would have access not only to
6 the benefits under the settlement agreement but also under the
7 Collective Bargaining Agreement, and the disability programs
8 that have been set up by the NFL. And it even goes beyond
9 that, the NFL has other kinds of programs that advise players
10 on how to manage their money.

11 There are other very important programs that are
12 available to players. So we would like to put a notice
13 together at a very modest cost of about \$20,000 that, again,
14 goes out to the NFL player community, reminds them of these
15 things and informs them where they can go to get information
16 about it.

17 THE COURT: Okay.

18 MR. SEEGER: Now, Your Honor, I believe that's all I
19 had from my presentation. I don't know if others have
20 anything else.

21 MS. BAYARD: I mean, Your Honor, just to say that
22 the NFL fully supports the motion. We've worked extensively
23 with Class counsel in developing these programs, we'll
24 continue to work with them in the implementation as well.

25 THE COURT: Well, that's what was hoped -- that was

1 what was hoped for when we signed the agreement and I
2 appreciate your cooperation.

3 MS. BAYARD: Clearly.

4 MR. SEEGER: Thank you, Your Honor. That's all I
5 have, unless you have questions or I know that you've -- you
6 were going to provide an opportunity for anybody who watched.

7 THE COURT: Yeah. Anyone in the audience who wishes
8 to submit questions, we have -- we have some index cards. No,
9 we're going to hand them out. Do you have a pencil, Jim?

10 COURTROOM DEPUTY: Yes, we can provide.

11 THE COURT: Okay. One second. Would you mind
12 distributing them, Jim?

13 (Pause in proceedings)

14 MR. SEEGER: Just as a reminder, Your Honor, the
15 procedure is that a question will be written, provided to Your
16 Honor, and then you'll give us an opportunity --

17 THE COURT: Of course, of course.

18 (Pause in proceedings)

19 THE COURT: We should break -- we can take a short
20 recess. Jim, would you mind giving us the questions as soon
21 as what -- oh, it's ready. Okay. All right. We'll take a
22 short break so that you can examine the questions and decide
23 who should respond to them.

24 MR. SEEGER: Would you like us to come to --

25 THE COURT: Well, maybe, yes -- yeah. We'll take a

1 recess --

2 MR. SEEGER: Sure.

3 THE COURT: -- and we will reconvene at the call of
4 the Court. Okay. Why don't you step out. Will the parties
5 step out -- lawyers step out. Thanks.

6 (Recess taken 10:33 a.m. to 10:41 a.m.)

7 THE COURT: the presence of anyone who
8 submitted -- please be seated -- who submitted -- who
9 submitted a question and we always appreciate your presence
10 and your input. Thank you very much. Okay.

11 MR. SEEGER: So, Your Honor --

12 THE COURT: Mr. Seeger, would you like to respond?

13 MR. SEEGER: Yes, yes. First of all --

14 THE COURT: Read it -- why don't you read it aloud
15 and then respond.

16 MR. SEEGER: Yeah, and I was going to say that Mr.
17 Jackson raised a very good question, but he had a second
18 question that I just go so I haven't yet shared it with the
19 other fine lawyers --

20 THE COURT: I haven't looked at it either.

21 MR. SEEGER: -- so -- maybe I should --

22 THE COURT: Well, that's okay. You can show it to
23 proposing counsel first.

24 MR. SEEGER: So, Mr. Jackson, thank you for your
25 question. His first question, Your Honor, was, "How soon

1 would the notice to players of benefits be implemented?"

2 And the answer to that, Mr. Jackson, would be as
3 soon as the Court approves what we're asking for, we're going
4 to do it immediately, as quickly as possible.

5 "Where can a former player go now to review benefits
6 under the CBA, the Collective Bargaining Agreement, and the
7 NFL?"

8 That's a separate website which I'll put on the
9 record. And, Mr. Jackson, we'll give it to you before you
10 leave here today so you have it but that's where you go for
11 that information for your benefits under the CBA would be
12 www.playsmartplaysafe.com.

13 Now, for your benefits under the settlement, Mr.
14 Jackson, you would go to a different website for the
15 settlement, and that's www.nflconcussionsettlement.com.

16 We're going to give this to you before you --

17 THE COURT: You'll give it to him after the -- after
18 the --

19 MR. SEEGER: And then finally we just learned from
20 the NFL's attorneys that there is another website which seems
21 -- which would be very helpful to retired players for your
22 personal information, Mr. Jackson. So if you go on that and
23 you just want to find out your information, you can go to
24 www.nflplayerbenefits.com.

25 So that's for the record, and we'll give these,

1 we'll write this out so you have it.

2 Now, one other thing, Your Honor, that came up in
3 the back was the idea of reporting to the Court. So,
4 obviously, whatever schedule the Court is comfortable with we
5 will meet. You know, we probably want to report to you in the
6 first year to let you know how things are going.

7 THE COURT: I'd like to see the reports that you
8 receive --

9 MR. SEEGER: Yes.

10 THE COURT: -- and also -- well, that's basically
11 what I want --

12 MR. SEEGER: Yeah, and we'll do that.

13 THE COURT: -- is the reports that you receive, and
14 I want to make sure that the Court has a copy of them.

15 MR. SEEGER: Okay. We'll do that, Your Honor. As
16 to the second --

17 THE COURT: And, frankly, I want the Special Master
18 to have a copy --

19 MR. SEEGER: Oh, yeah --

20 THE COURT: -- because she'll be the one -- she'll
21 be the one who takes a good look at them.

22 MR. SEEGER: -- thank you. Your Honor, I was a
23 little remiss in my presentation because I really should
24 mention the incredible feedback that we got from your Special
25 Master, Jo-Ann Verrier on these programs. They were done in

1 consultation with your Special Master and it was very very
2 helpful to the parties.

3 THE COURT: I know that.

4 MR. SEEGER: Yeah, I just wanted to mention it.

5 Mr. Jackson's second question --

6 THE COURT: Could I see it, Jim? Thank you.

7 Did you -- this is really a question for the NFL.

8 MR. SEEGER: Yeah.

9 THE COURT: Did you receive the question, Lynn?

10 MS. BAYARD: We did, Your Honor. Brown, Greer has a
11 list of all of the addresses to which the notice will be sent,
12 so we can also get you the information, Mr. Jackson, about how
13 to update your address.

14 THE COURT: Why don't you give it to Mr. Jackson.
15 He spent time coming here and so you can give it to him.

16 MS. BAYARD: Yes.

17 THE COURT: Explain it to him. You can take his
18 information and send it to him. Would that be all right?

19 MS. BAYARD: Of course, Your Honor.

20 THE COURT: Okay. Good. All right. Thank you.

21 MR. SEEGER: Thank you, Your Honor. Is there
22 anything further that the Court would like to know from us
23 while we're here?

24 THE COURT: No, there's nothing I'd like to know.
25 I'm going to review all these testimony. I'm going to review

1 the submissions and I, in all probability, am very pleased
2 with the outcome of this.

3 MR. SEEGER: Thank you, Your Honor.

4 THE COURT: And I appreciate very much your input on
5 it, Mr. Seeger, and of course the input from the NFL.

6 MR. BIRENBAUM: Thank you, Your Honor.

7 THE COURT: Thank you very much. It's good to see
8 this kind of cooperation.

9 MR. SEEGER: Thank you, Your Honor.

10 THE COURT: Okay. Court is adjourned. And I'm
11 going to see the lawyers because we have another -- well,
12 we'll talk about that.

13 (Proceedings concluded at 10:45 a.m.)

14 * * * * *

15 C E R T I F I C A T I O N

16
17 I, Ritajean Wioncek, court approved
18 transcriber, certify that the foregoing is a correct
19 transcript from the official electronic sound recording of the
20 proceedings in the above-entitled matter.

21

22

23 _____ March 9, 2020

24 RITAJEAN WIONCEK

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